

Service Date: May 10, 1994

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER Of The Application	)	UTILITY DIVISION
Of The City of Wolf Point To Increase	)	DOCKET NO. 93.12.63
Rates And Charges For Sewer Service	)	ORDER NO. 5784
In Its Wolf Point, Montana Service Area.	)	

\* \* \* \* \*

DEFAULT ORDER GRANTING SEWER RATE INCREASE APPLICATION

BACKGROUND

1. On December 13, 1993, the City of Wolf Point (City or Applicant) filed an Application with the Montana Public Service Commission (PSC) pursuant to §§69-7-101 et seq., MCA, for an Order authorizing the Applicant to increase sewer rates in its Wolf Point, Montana service area. The Application requested a revenue increase of 21.27% or approximately \$36,120 in additional annual revenues to repay a loan, borrowed from the Montana Department of Health and Environmental Sciences (DHES), taken to make improvements to the City's wastewater stabilization ponds.
2. On January 6, 1994, the PSC issued a Notice of Opportunity For Public Hearing. A provision in that notice stated, "If no hearing is requested by February 7, 1994, no hearing will be held and an appropriate Order may be issued based upon evidence submitted with the Application."

3. On February 7, 1994, the PSC received an amended Application from the City, stating that the original Application failed to include the necessary City Council Resolution authorizing the City to request PSC approval of the rate Application. The amended Application included the Resolution, but did not modify the amount of relief requested.

4. On February 9, 1994, the PSC issued an Amended Notice of Opportunity For Public Hearing. A provision in that notice stated, "The comment period to file a written protest or request a hearing is hereby extended twenty (20) days, or to March 1, 1994."

5. The PSC has received no protest or request for hearing.

6. On February 24, 1994, the PSC received a letter from the city requesting that the PSC defer action on this Application for sixty (60) days in order to review the Application further.

7. On March 9, 1994, the PSC staff granted the deferral pursuant to PSC direction.

8. On April 22, 1994, the PSC received from the Applicant a letter requesting that the PSC proceed with any action on the Application.

FINDINGS OF FACT

9. The City Council of the City of Wolf Point passed a resolution to request PSC approval of the proposed rates.

10. The City needs additional revenue to meet DHES loan requirements.

11. The proposed rates will increase annual revenues by approximately \$36,120, or an increase of 21.27% in total annual revenues from sewer rates.

CONCLUSIONS OF LAW

1. The Applicant, the City of Wolf Point, is a public utility as defined in §69-3-101, MCA. The Montana Public Service Commission properly exercises jurisdiction over municipal utility rate increase Applications in excess of 12% in total annual revenues. Section 69-7-102, MCA.

2. The PSC has provided adequate public notice and an opportunity to be heard as required by §69-3-303, MCA, and Title 2, Chapter 4, MCA (Montana Administrative Procedures Act).

3. The rates and rate structure in this Order are just and reasonable. Sections 69-3-201 and 69-3-330, MCA.

ORDER

IT IS HEREBY ORDERED THAT:

1. The rates as filed by the Applicant with its Application are authorized.
2. The rates shall be effective upon execution of the DHES loan.
3. The Applicant, the City of Wolf Point, shall file copies of the DHES loan agreement as proof of execution of the loan.

DONE IN OPEN SESSION at Helena, Montana on this 9th day of May, 1994, by a 5-0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

Bob Anderson  
BOB ANDERSON, Chairman

Bob Rowe  
BOB ROWE, Vice Chairman

Dave Fisher  
DAVE FISHER, Commissioner

Nancy McCaffrey  
NANCY McCAFFREY, Commissioner

Danny Oberg  
DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.